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Honors and Awards

Law Firm of the Year, National Advertising, *U.S. News and World Report*, 2012 and 2014

News

SCOTUS Greenlights *Pom Wonderful v. Coca Cola* Lanham Act Suit

This morning, the U.S. Supreme Court ruled 8-0, with Justice Breyer recusing himself, in *Pom Wonderful v. Coca Cola*. The ruling in favor of Pom Wonderful overturned a Ninth Circuit decision that Food and Drug Administration's (FDA) rules preempted a Lanham Act false advertising suit brought by Pom Wonderful.

The Pom suit alleged that Coca Cola's advertising of its "Minute Maid enhanced pomegranate blueberry flavored 100 percent juice blend" gave consumers the impression that the product primarily contained pomegranate and blueberry juice when, in fact, the "juice blend" was made up almost entirely of apple juice and contained less than .3 percent of both pomegranate and blueberry juice.

[Read Reuters' coverage of this breaking story.](#)

[Read Venable attorney David D. Conway's analysis of the decision.](#)

[Read the Supreme Court's *Pom Wonderful v. Coca Cola* opinion here.](#)

Steinman Authors U.S. Chapter in *International Advertising Law*

Venable partner **Melissa Landau Steinman** authored the United States chapter in the recently published edition of *International Advertising Law: A Practical Global Guide*. Steinman's chapter provides a concise overview of U.S. advertising law and gives special attention to hot topics including online and social media advertising; ambush marketing and product placement; and highly regulated areas such as food, financial and tobacco advertising.

International Advertising Law supplies practitioners with a jurisdiction-by-jurisdiction guide to popular areas of advertising law, such as comparative advertising, sales promotion, direct marketing and online behavioral advertising. In addition, each chapter of the book also addresses the jurisdiction's particular requirements in industries that are subject to specific advertising regulations.

[Learn more about *International Advertising Law* by clicking here.](#)

Analysis

7.5 Million Reasons to Worry About TCPA Compliance – in Case You Needed any More

Since the most recent changes to the Telephone Consumer Protection Act (TCPA) took effect in October 2013, the flurry of class actions targeting alleged TCPA violations has grown into a full-fledged blizzard, write Venable attorneys **Ian D. Volner** and **Mark S. Goodrich** in a recent post to Venable's advertising law blog. However, they note, class actions aren't telemarketers' only concern. Last month, the Federal Communications Commission's (FCC) settlement with Sprint Corp. gave companies 7.5 million good reasons to worry about "Do-Not-Call" compliance.

The Sprint settlement is just one recent TCPA matter. [Read Venable's roundup of recent TCPA cases to learn what other trouble is brewing.](#)

Click here to [learn why consumer privacy is a top enforcement priority for the FCC.](#)

[Read the FCC's statement about the Sprint settlement.](#)



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No Such Thing as Bad Press? Guess Again

The famous Irish "drinker with a writing problem" Brendan Behan once quipped "There's no such thing as bad publicity except your own obituary." Of course, Behan was never involved in Lanham Act litigation. Venable attorney [Kimberly Culp](#) writes, in a recent post to Venable's advertising law blog, that a U.S. District Court ruled earlier this month that comments made by a company executive to a journalist could be considered "commercial advertising or promotion," and therefore are fair game in Lanham Act litigation.

Read the full blog post to [learn how a spokesperson's comments can drive more than sales](#).

[Read the Judge's Opinion and Order in *Skedo v. ARC Products*](#).

NAD Greek Yogurt Decision Chock Full of Lessons for Advertisers

Given the exploding popularity of Greek yogurt, it is understandable that brands' advertising claims for their "Greek" products are aggressive. Matters came to a thick and rich head in a recent National Advertising Division (NAD) challenge when Chobani took issue with claims made by General Mills' Yoplait "Greek" yogurt brand. Although NAD had trouble picking a favorite, its split decision provides marketers with a host of insights into NAD's thinking, write Venable attorneys [Amy Ralph Mudge](#), [Randal M. Shaheen](#), and [Mark S. Goodrich](#) in a recent post to Venable's advertising law blog.

Among those lessons, they write, is a reminder that claims used across many channels must be examined carefully to make sure the claim's meaning is not altered by the peculiarities of each channel. In addition, companies providing any type of incentive to bloggers should think hard about whether to disclose the incentive, regardless of its value.

Get a full day's serving of advertising law knowledge and [click here to read the blog post](#).

Still can't get enough? [Read NAD's press release about the decision](#).

Upcoming Events

[Association of Private Sector Colleges and Universities \(APSCU\) 2014 Annual Convention & Expo – Las Vegas, NV](#)

June 16, 2014

Venable partner [Jonathan Pompan](#) will present "Defending Placement Outcomes" at the Association of Private Sector Colleges and Universities (APSCU) 2014 Annual Convention & Expo.

The APSCU Convention & Exposition attracts CEOs, owners, presidents, campus deans, and other senior executives and emerging leaders with responsibility in such areas as admissions, financial aid, compliance, operations, career/student services, finance and accounting, and education services.

[Click here for more information and to register](#).

[1st Annual BBB Self-Regulation Conference – Washington, DC](#)

June 24, 2014

Join Venable partner [Amy Ralph Mudge](#) at the Council of Better Business Bureaus' first annual Self-Regulation Conference. Together with the University of Virginia's Darden School of Business, the BBB has created a one-of-a kind conference engaging business leaders, thought leaders, regulators, legislators, associations and self-regulation practitioners.

[Click here for more information and to register](#).

[Click here](#) to subscribe to Venable's Advertising and Marketing RSS feed and receive the Venable team's insight and analysis as soon as it is posted.

Visit Venable's advertising law blog at www.allaboutadvertisinglaw.com.

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